**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Toyohiko Konno on 6/15/2011.

The application has been amended as follows:

Cancel claims 1-7.

In the last line of claim 8, after "0.1 to 3.0 $cm^3/g$" insert –, and the moisture- or protein- absorbability imparting agent further comprises a polyglycerol fatty acid ester obtained by esterification of a polyglycerol having an average degree of polymerization of 3 or more, and a fatty acid".

Cancel claim 12.

Replace the text of claim 14 with: --A method for imparting adsorbability of moisture or a protein to a material by adding a moisture- or protein-adsorbability imparting agent to a material wherein the material is a sanitary article and the moisture- or protein-adsorbability imparting agent is added in an amount of 0.001 to 30 % by weight,

wherein the moisture- or protein-adsorbability imparting agent comprises a porous silica having a hexagonal pore structure, an average pore size of from 0.8 to 5

nm, an average particle size of 50 nm to 100 μm, a specific surface area of from 400 to 2000 $m^2/g$, and a pore volume of from 0.1 to 3.0 $cm^3/g$.--

The following is an examiner's statement of reasons for allowance:

Regarding claim 8 as newly amended, the closest pieces of prior art of record are JP2001-179086 (JP'086) and Bruinsma US5922299. Regarding JP'086, the reference does not teach or suggest the average pore size claimed (0.8-5nm) as elaborated in applicant's arguments of 5/20/2011. Both references do not teach or suggest a polyglycerol fatty acid ester obtained by esterification of a polyglycerol having an average degree of polymerization of 3 or more, and a fatty acid.

Regarding claim 14 as newly amended, the closest pieces of prior art of record are JP2001-179086 (JP'086) and Bruinsma US5922299. Regarding JP'086, the reference does not teach or suggest the average pore size claimed (0.8-5nm) as elaborated in applicant's arguments of 5/20/2011. Bruinsma teaches a similar silica powder as detailed in the Restriction Requirement of 5/10/2010, but does not teach or suggest adding the silica to a sanitary article in an amount of 0.1-30 % by weight and instead teaches use in catalysis, gas separation, supports for films, or drug encapsulation. See column 1, lines 24-29 and column 5, lines 5-11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. ZIMMER whose telephone number is (571)270-3591. The examiner can normally be reached on Monday - Friday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stanley Silverman/
Supervisory Patent Examiner, Art Unit 1736

Ajz

/ANTHONY J ZIMMER/
Examiner, Art Unit 1736